



[OCR Home](#) | [DOC Home](#) | [Resources](#) | [Publications](#) | [Contact OCR](#)

U.S. Department of Commerce
No FEAR Act EEO Complaint Data
Department Aggregate

This is a report of No FEAR ACT data.

- [Interim EEOC Rule](#)
- [Information on the No FEAR Act](#)
- [No Fear Act Data on the EEOC website \(Includes information on EEOC Hearing and Appeals processing\)](#)

Data last updated: April, 6, 2009

1. [Complaint Activity](#)
2. [Complaints by Basis](#)
3. [Complaints by Issue](#)
4. [Processing Time](#)
5. [Complaints Dismissed by Agency/Withdrawn by Complainants](#)
6. [Total Final Actions Finding Discrimination](#)
7. [Findings of Discrimination Rendered by Basis](#)
8. [Findings of Discrimination Rendered by Issue](#)
9. [Previous Complaints Filed in Previous Fiscal Years by Status](#)
10. [Complaint Investigations](#)

[Notes about the data](#)

1. Complaint Activity

	2001	2002	2003	2004	2005	2006	2007	2008	1st Q. 2009
Number of complaints Filed	237	213	138	110	130	123	156	131	57
Number of complaints Pending any time in the FY	226	198	134	108	125	120	145	123	55
Repeat Filers	10	12	4	2	4	4	11	8	2

[go to top](#)

2. Complaints By Basis

Note: complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.

	2001	2002	2003	2004	2005	2006	2007	2008	1st Q. 2009
Race	144	117	82	42	53	49	74	49	27
Color	9	17	16	10	12	19	21	12	4
Religion	23	8	12	6	16	6	2	2	3
Reprisal	111	90	71	68	63	58	92	73	31
Sex	75	59	57	38	50	33	53	35	18
National Origin	35	17	35	25	16	11	19	11	12
Equal Pay Act	0	0	0	1	1	0	2	0	0
Age	83	66	66	47	59	44	61	58	20
Disability	40	38	37	33	44	38	40	39	17
Non-EEO	2	4	1	2	1	1	0	0	0

[go to top](#)

3 . Complaints By Issues

Note: complaints can be filed alleging multiple Issues. The sum of the Issues may not equal total complaints filed.

	2001	2002	2003	2004	2005	2006	2007	2008	1st Q. 2009
Appointment/Hire	32	8	7	4	9	2	9	10	6
Assignment of Duties	26	23	19	21	37	28	41	26	4
Awards	10	7	7	12	8	11	13	14	0
Conversion to Full Time	1	0	0	0	0	0	0	0	0
Discipline: Demotion	4	1	9	2	4	2	0	0	0
Discipline: Reprimand	14	7	4	6	2	7	11	8	3
Discipline: Removal	0	1	0	0	3	0	0	0	0
Discipline: Suspension	7	0	0	7	6	6	6	3	4
Discipline: Other	0	1	0	2	1	0	3	3	0

Duty Hours	0	1	0	3	0	0	0	1	1
Evaluation/Appraisal	15	15	15	14	15	22	27	33	10
Examination/Test	0	0	0	0	0	0	39	0	0
Harassment: Non-sexual	51	52	63	32	56	43	77	59	24
Harassment: Sexual	8	6	5	4	3	4	4	6	4
Medical Examination	0	0	0	0	0	1	0	0	0
Pay Including OT (overtime)	0	0	5	6	1	0	5	4	0
Promotion/Non-selection	45	60	53	32	27	26	43	41	13
Reassignment: Denied	0	0	1	1	2	2	1	6	1
Reassignment: Directed	0	3	9	4	9	9	12	10	3
Reasonable Accommodation	14	12	13	11	17	18	15	14	5
Reinstatement	0	0	0	0	0	0	0	0	0
Retirement	0	3	1	2	0	0	3	2	0
Termination	36	14	16	11	20	23	24	17	9
Terms/Conditions of Employment	44	10	7	6	32	16	6	6	0
Time and Attendance	25	3	16	9	17	18	28	24	8
Training	10	10	4	13	11	12	13	7	2
Other	13	7	7	7	11	3	17	10	5

[go to top](#)

4. Processing Time

	2001	2002	2003	2004	2005	2006	2007	2008	1st Q. 2009
Complaints pending during fiscal year									
Average number of days in investigation stage	82	99	78	128	174	129	108	119	114
Average number of days in final action stage	n/a	n/a	n/a	n/a	n/a	254	97	89	103
Complaint pending during fiscal year where hearing was requested									
Average number of days in investigation stage	81	95	74	127	155	141	122	132	125
Average number of days in final action stage	n/a	n/a	n/a	n/a	n/a	13	17	29	17
Complaint pending during fiscal year where hearing was not requested									
Average number of days in investigation stage	78	92	75	129	205	125	117	110	121
Average number of days in final action stage	n/a	n/a	n/a	n/a	n/a	313	128	94	146

[go to top](#)

5. Complaints Dismissed by agency/ Withdrawn by complainants

	2001	2002	2003	2004	2005	2006	2007	2008	1st Q. 2009
Total Complaints Dismissed By Agency	527	31	31	33	29	25	38	32	2
Average Days Pending Prior to Dismissal	218	113	194	121	139	129	52	57	56
Total Complaints Withdrawn by Complainants	43	12	16	9	9	13	13	8	0

[go to top](#)

6. Total final Actions Finding Discrimination

	FY 2001: Number	FY 2001: Percent	FY 2002: Number	FY 2002: Percent	FY 2003: Number	FY 2003: Percent	FY 2004: Number	FY 2004: Percent	FY 2005: Number	FY 2005: Percent	FY 2006: Number	FY 2006: Percent	FY 2007: Number	FY 2007: Percent	FY 2008: Number	FY 2008: Percent	1st Q. 2009: Number	1st Q. 2009: Percent
Total Number Findings	4	100	1	100	3	100	2	100	0	0	1	100	1	100	0	0	2	100
Without Hearing	3	75	0	0	3	100	1	50	0	0	0	0	0	0	0	0	1	50
With Hearing	1	25	1	100	0	0	1	50	0	0	1	100	1	100	0	0	1	50

[go to top](#)

7. Findings of Discrimination Rendered By Basis

Note: complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.

	FY 2001: Number	FY 2001: Percent	FY 2002: Number	FY 2002: Percent	FY 2003: Number	FY 2003: Percent	FY 2004: Number	FY 2004: Percent	FY 2005: Number	FY 2005: Percent	FY 2006: Number	FY 2006: Percent	FY 2007: Number	FY 2007: Percent	FY 2008: Number	FY 2008: Percent	1st Q. 2009: Number	1st Q. 2009: Percent
Total Number Findings	4	100	1	100	3	100	2	100	0	0	1	100	1	100	0	0	2	100
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	1	100	1	33	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	3	75	0	0	0	0	1	33	0	0	1	25	1	50	0	0	1	20
Sex	0	0	0	0	0	0	2	67	0	0	1	25	1	50	0	0	1	20
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Age	1	25	0	0	0	0	0	0	0	0	1	25	0	0	0	0	1	20
Disability	0	0	0	0	2	67	0	0	0	0	1	25	0	0	0	0	2	40
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	1	25	1	100	0	0	1	50	0	0	1	100	1	100	0	0	1	100
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	1	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	1	33	0	0	1	25	1	50	0	0	1	25
Sex	0	0	0	0	0	0	1	33	0	0	1	25	1	50	0	0	1	25
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Age	1	25	0	0	0	0	0	0	0	0	1	25	0	0	0	0	1	25
Disability	0	0	0	0	0	0	0	0	0	0	1	25	0	0	0	0	1	25
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	3	75	0	0	3	100	1	50	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	1	33	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	3	75	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	1	33	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	2	67	0	0	0	0	0	0	0	0	0	0	1	100
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

[go to top](#)

8. Findings of Discrimination Rendered by Issue

	FY 2001: Number	FY 2001: Percent	FY 2002: Number	FY 2002: Percent	FY 2003: Number	FY 2003: Percent	FY 2004: Number	FY 2004: Percent	FY 2005: Number	FY 2005: Percent	FY 2006: Number	FY 2006: Percent	FY 2007: Number	FY 2007: Percent	FY 2008: Number	FY 2008: Percent	1st Q FY 2009: Number	1st Q FY 2009: Percent
Total Number Findings	4	100	1	100	3	100	2	100	0	0	1	100	1	100	0	0	2	100
Appointment/Hire	1	25	1	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	1	25	0	0	0	0	0	0	0	0	0	0	1	20	0	0	0	0
Awards	1	25	0	0	0	0	0	0	0	0	1	33	1	20	0	0	1	33
Conversion to Full Time	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Non-sexual	0	0	0	0	1	33	1	25	0	0	1	33	1	20	0	0	1	33
Harassment: Sexual	0	0	0	0	0	0	1	25	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-selection	0	0	0	0	0	0	1	25	0	0	1	34	1	20	0	0	0	0

Reassignment: Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Directed	1	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	2	67	0	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	1	25	0	0	0	0	1	20	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	34
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	1	25	1	100	0	0	1	50	0	0	1	100	1	100	0	0	1	100	0
Appointment/Hire	1	25	1	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0	1	20	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	1	33	1	20	0	0	1	50	0
Conversion to Full Time	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	1	33	0	0	0	0	1	50	0
Harassment: Non-sexual	0	0	0	0	0	0	1	25	0	0	0	0	1	20	0	0	0	0	0
Harassment: Sexual	0	0	0	0	0	0	1	25	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay (including overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-selection	0	0	0	0	0	0	0	0	0	0	1	34	1	20	0	0	0	0	0
Reassignment: Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Directed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	1	25	0	0	0	0	1	20	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	3	75	0	0	3	100	1	50	0	0	0	0	0	0	0	0	1	100	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	1	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Awards	1	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Suspension	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline: Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Non-sexual	0	0	0	0	1	33	0	0	0	0	0	0	0	0	0	0	0	0	0
Harassment: Sexual	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pay (including overtime)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-selection	0	0	0	0	0	0	1	25	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment: Directed	1	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Reasonable Accommodation	0	0	0	0	2	67	0	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	100
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

[go to top](#)

9. Pending Complaints Filed in Previous Fiscal Years by Status

	2001	2002	2003	2004	2005	2006	2007	2008	1st q. 2009
Total Complaints from previous Fiscal years	n/a	n/a	n/a	n/a	n/a	171	119	76	141
Total Complainants	n/a	n/a	n/a	n/a	n/a	148	95	68	123
Number complaints pending									
Investigation	n/a	n/a	n/a	n/a	n/a	2	1	0	11
Hearing	n/a	n/a	n/a	n/a	n/a	42	31	39	65
Final Action	n/a	n/a	n/a	n/a	n/a	35	9	11	42
Appeal with EEOC Office of Federal Operations	n/a	n/a	n/a	n/a	n/a	36	30	26	25

10. Complaint Investigations

	2001	2002	2003	2004	2005	2006	2007	2008	1st Q. 2009
Pending Complaints Where Investigation Exceeds Required Time Frames	417	252	133	92	141	53	0	9	1

Notes about the data:

1. Data for the U.S. Patent and Trademark Office (PTO) is included in the Department aggregate for FY 1999 only. [See the PTO website for postings from PTO related to the No FEAR Act.](#)

[go to top](#)

Disclaimer: The OCR Web site contains information originating from other organizations, both public and private. The Web site also contains hyperlinks to documents and resources from such public and private organizations. While every attempt is made to ensure that all information is accurately referenced on our site, we do not guarantee the accuracy, timeliness or quality of the content of these outside sources. The inclusion of hyperlinks does not indicate endorsement of any particular products, companies, information providers or the content of the referenced sites.